



Docket No.: NEL-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Leslie P. Nagata et al.

Confirmation No.: 6398

Application No.: 10/023,649

Art Unit: 1648

Filed: December 21, 2001

Examiner: A. Salimi

For: A STRAIN OF THE WESTERN EQUINE
ENCEPHALITIS VIRUS (AS AMENDED)

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

MS Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated January 22, 2004, please amend the above-identified U.S. patent application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments begin on page 7 of this paper.



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BOX-SEQUENCE
IFW
1648

AMENDMENT TRANSMITTAL LETTER				Docket No. NEL-001	
Application No. 10/023,649-Conf. #6398	Filing Date December 21, 2001	Examiner A. R. Salimi	Art Unit 1648		
Applicant(s): Leslie P. Nagata					
Invention: NOVEL DNA-BASED VACCINE AGAINST THE ENCEPHALITIS ALPHAVIRUSES					
TO THE COMMISSIONER FOR PATENTS					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	17	- 20 =		x	0.00
Independent Claims	6	- 6 =		x	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00
<input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity					
<input checked="" type="checkbox"/> No additional fee is required for this amendment.					
<input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of \$ _____. A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>18-0013</u> as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
Lee Cheng Attorney Reg. No.: 40,949 RADER, FISHMAN & GRAUER PLLC 1233 20th Street, N.W. Suite 501 Washington, DC 20036 (202) 955-3750				Dated: <u>April 22, 2004</u>	